IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

Crl.Rev.Pet.No. 1125 of 2000(B)

CRL.A.129/1997 OF ADDL. SESSIONS COURT, ALAPPUZHA DTD. 27/10/2000,
CC.65/1995 OF JDUL.MAGISTRATE OF FIRST CLASS, RAMANKARI

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REVISION PETITIONER/APPELLANTS/ACCUSED:

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1. **PURUSHAN, VALLIKKATU VEEDU,**
   WARD NO. 8, KUNNUMMA VILLAGE.

2. **BAIJI, PUTHIYA VEEDU,**
   WARD NO. 6, KAVALAM.

3. **MONY @ MOHANAN,**
   IRUPATHILCHIRA VEEDU,
   KAVALAM.

4. **MOHANAN, PUTHUVAL VEEDU,**
   KAVALAM.

5. **HARIPRASAD,**
   PUTHUVAL VEEDU,
   KAVALAM.

6. **BABU BHARATH RAJ,**
   KOCHUPARAMPU VEEDU,
   KAVALAM.

7. **THANKAPPAN,**
   PUTHENPURAYIL,
   KAVALAM.

8. **MURALI,**
   VENMALA VEEDU,
   KAVALAM.

9. **ASOKAN,**
   POOTHANAKKAL HOUSE,
   KAVALAM.

C.R.R.P. NO. 1125/2000:

10. MANIKUTTAN,
POOVAPLY VEETIL,
KAVALAM.

11. THANKAPPAN,
CHARUPARAMPIL VEEDU,
KAVALAM.

BY ADV. SRI.CHERIYAN KURUVILLA,
SRI.V.SATHEESH.

RESPONDENT/RESPONDENT/COMPLAINANT:

THE KERALA STATE, REPRESENTED BY THE PUBLIC PROSECUTOR.

BY PUBLIC PROSECUTOR C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/09/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

prv.

ORDER ON CRL.M.P. NO. 5916/2000 IN CRL.R.P. NO. 1125/2000

DISMISSED

24/09/2007. **SD/- K.R.UDAYABHANU, JUDGE.**

//TRUE COPY//

prv.

K.R. UDAYABHANU, J.

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CRL.R.P.NO.1125 OF 2000

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DATED THIS THE 24th SEPTEMBER 2007

ORDER

The revision petitioners are the accused who stands convicted for the offence under Sections 143, 147, 148, 323, 324 read with Section 149 I.P.C.and sentenced to undergo rigorous imprisonment for six months each for the offence under Section 324 I.P.C. No separate sentence is awarded for the offences under Sections 143, 147, 148 and 323 I.P.C. The revision petitioners have challenged the order of the appellate court in appeal filed by the accused remanding the mater to the trial court for getting the medical officer examined and the wound certificate marked. Counsel for the revision petitioners has relied on the decision in **P. Mammadkutty & Ors. v. State, 1996 (1)K.L.T.810** wherein this Court has held that the appeal filed by the accused and remand ordered by the Sessions Court for fresh trial for filling up the lacuna on the side of the prosecution is not justified. He has also pleaded for modification of sentence pointing out that the incident is of the year 1994 and more than 12 years have elapsed since the commencement of the proceedings and that the parties have

settled the differences. The incident was sequel to a dispute with respect to the collection of shells from Kainady-Kottayam river in Ward No.VIII of Neelamperoor Panchayat in Kavalam village.

2. In the circumstances, I find that further remittal of the matter to the appellate court would result in further delay in the disposal of the matter. Hence, the sentence imposed for the offence under Section 324 read with Section 149 I.P.C. is modified to pay a fine of Rs.5,000/- each and in default to undergo simple imprisonment for three months. The revision petitioners/accused are granted three months time to remit the fine amount. The Crl. revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

CRL.R.P. NO. 1125 of 2000

ORDER

24-9-2007